

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT L. GELTZER as Chapter 7
Trustee of HOWARD P. EFFRON,
Plaintiff,

- against -

UTIX GROUP, INC.,

Defendant.
-----X

Case No. 07 cv 02472 (RJS)(THK)

**AFFIDAVIT IN SUPPORT OF
MOTION FOR LEAVE TO
WITHDRAW AS COUNSEL**

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

MARK A. HARMON, being duly sworn, deposes and says:

1. I am a member of the firm of Hodgson Russ LLP, attorneys of record for defendant Utix Group, Inc. ("Utix"). I submit this affidavit in support of the motion made by Hodgson Russ LLP pursuant to Rule 1.4 of the Local Rules of Civil Procedure for the United States District Court, Southern District of New York, for leave to withdraw as counsel for Utix.

2. The basis for withdrawal is that Utix is no longer cooperating with us in the defense of this action. Specifically, Utix has failed to respond to multiple inquiries in connection with our efforts to provide complete discovery responses and has not indicated its commitment to pay for legal fees and costs incurred in defending this action.

3. The parties have made their initial disclosures and are scheduled to exchange discovery responses on January 29, 2008.

4. At present, there is a settlement conference before Magistrate Judge Katz scheduled for February 5, 2008. This action has not been set for trial and there is no scheduling order currently in place respecting other proceedings.

5. Further, there are no motions pending at this time.

6. Hodgson Russ LLP requests that the Court grant to Utix a reasonable extension of any applicable time periods and such other relief as the Court may consider appropriate for its protection.

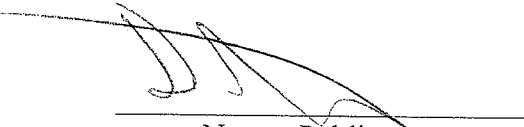
7. Hodgson Russ LLP will coordinate with any substitute counsel designated by Utix to secure a smooth and speedy transition of the representation in order to avoid any prejudice to the rights of Utix.

8. There has been no prior request for the relief sought herein.

WHEREFORE, it is respectfully requested that this Court grant the motion of Hodgson Russ LLP for leave to withdraw as counsel to defendant Utix Group, Inc.


Mark A. Harmon

Sworn to before me this
23rd day of January, 2008



Notary Public
DANIEL S. STEINBERG
Notary Public, State of New York
No. 02ST4981936
Qualified in Westchester County
Commission Expires May 20, 2011